

Minutes of the Charter Revision Commission Meeting
July 30, 2015
9705 E. Hibiscus Street, Palmetto Bay, FL

1. **Call to Order:** The meeting was called to order at 7:10 p.m.

The following members of the Charter Review Commission were present:

Fidel Barreto
Patrick Fiore
George Hoffman
David Zisman
John DuBois (non-voting member)

The following staff members were present:

Dexter Lehtinen, Village Attorney
Meighan Alexander, Village Clerk
Village Manager Edward Silva (entered as discussion began)

Members of the public:

Mayor Eugene Flinn (entered as discussion began)
Mr. Peter England (entered mid-meeting)

2. Consideration of approval of Minutes of June 29, 2015
Mr. Hoffman moved to approve the Minutes, as drafted. Seconded by Mr. Barreto. All voted in favor. The Minutes were approved.
3. Public Comments: No members of the public were present at this time.
4. Continued review of Charter: The Village Clerk gave information to the Commission concerning insuring that Municode.com would have the correct version of the Charter and advised that she asked for a new map to be drawn to be certain that the boundaries reflected in the Charter are accurate.
5. Discussion of next steps and establishment of schedule for future meetings

The Commission continued the review of the Charter.

Section 2.6 Compensation; Reimbursement for Expenses: there were no comments, modifications, or suggestions.

Section 2.7 Recall: there were no comments, modifications, or suggestions.

(Village Manager Edward Silva and Mayor Flinn entered.) Chairman Zisman recognized Mayor Flinn and thanked him for attending.

Article III. ADMINISTRATIVE

Section 3.1 Village Manager: there were no comments, modifications, or suggestions.

Section 3.2 Village Manager; Appointment, Removal: Mayor Flinn asked the Village Attorney if the Charter should include language concerning how State law would prevail in certain circumstances. Vice Mayor DuBois asked for clarification, as Florida laws may affect any provision. Mayor Flinn remarked that there may be a need to include language stating that the Charter is enforced to the extent that it complies with State law.

Vice Mayor DuBois stated that as it is possible to have a Council meeting intentionally scheduled to include only a quorum, with regard to the task of hiring/firing a charter officer, the Charter should include language that the entire council must be present during a vote for appointment/removal of charter officers.

Following brief comments, Attorney Lehtinen suggested that it may be best to revise the section concerning quorum and include language that certain actions may require that a quorum be re-defined as four members.

The Commission unanimously voted to approve the concept, instructing staff prepare ballot language at a later date.

Section 3.3 Powers and Duties of the Village Manager: Vice Mayor DuBois suggested that the Commission re-visit striking the language in subsection (1) that requires approval of directors by Council, as that sentence violates the chain of command concept. Mr. Zisman stated that he has re-considered his earlier opinion and believes the sentence may be more of a “checks and balances” issue. Mr. Fiore added that this process has not been tested; therefore, it should not be modified. Mr. Hoffman disagreed. Mr. Barreto stated that he would leave the language. Following discussion, the Commission decided to consider the matter for another time.

Chairman Zisman asked for comments concerning Subsections (2), (3), (4), (5), (6), (7), (8), (9), (10), and (11): there were no comments, modifications, or suggestions.

Chairman Zisman asked for explanation concerning the language in Subsection (11), “maximize financial reserves”. While the majority of the Commission agreed that the language seemed superfluous, the Commission chose to defer discussion of this matter.

Section 3.4 Acting Village Manager: Vice Mayor DuBois noted that he believes the language is interpreted to mean he is absent for no more than one full day.

Section 3.5 Bond of Village Manager: Discussion ensued regarding the amount of the bond. The Village Manager stated that he would find that information and provide it to the Commission.

Chairman Zisman acknowledged that Mr. Peter England entered the meeting.

There were no comments, modifications, or suggestions for Section 3.6: Village Clerk or Section 3.7.

Section 3.8 Expenditure of Village Funds: Mr. Hoffman asked if there is written policy in the Code. Clerk Alexander confirmed that the purchasing policy is codified.

There were no comments, modifications, or suggestions for Section 3.9 Village Boards and Agencies.

With regard to Section 3.10 Competitive Procurement Requirements/Purchasing, Mr. Hoffman asked if those rules were also codified. The Clerk confirmed they were. Vice Mayor DuBois asked if the Manager is the Chief Procurement Officer. Clerk Alexander stated that he was, by code.

Section 4.1 Council Meeting Procedures: Subsection (A) Meetings: Vice Mayor DuBois stated that he believes there should be some clarification regarding the procedure whereby three Council members may call a meeting. Clerk Alexander advised that she and Attorney Lehtinen would be working on modification of the meetings procedure ordinance in the near future. Mr. Zisman asked for clarification concerning the number of meetings. Vice Mayor DuBois confirmed that the Council usually does not meet in August.

Subsection (B) Rules and Minutes: Clerk Alexander confirmed that Roberts Rules of Order is the suggested uniform policy by ordinance. Attorney Lehtinen concurred.

Subsection (C) Quorum and Voting: Attorney Lehtinen stated that he would suggest separating the language of this section to include that a quorum of four is required for appointment/removal of any charter officers and for appointment of auditors.

Subsection (D) Meeting Time Limits: Chairman Zisman suggested eliminating the language. Mayor Flinn remarked that there needs to be a natural end to a meeting. He added that the Council seems to be more productive when they believe the meeting may end. Mr. England remarked that someone may seek adjournment at any time. Attorney Lehtinen agreed; however, he stated that it must be majority rule. Mr. Zisman suggested discussing this matter again in the future.

Section 4.2 Prohibitions.

There were no comments, suggestions, or modifications concerning Subsection (1) Appointment and Removals.

Subsection (B)(1) Interference with Administration. Mr. Hoffman stated that this language “de-politicizes” the staff. Mr. Zisman remarked that the language was unnecessary. Vice Mayor DuBois stated that the Council may discuss their preference, but can’t dictate to the Manager, individually. Discussion ensued concerning the fact that the entire Council must vote in order to direct the Manager.

Mr. England asked how this language is related to the Charter language concerning Council’s right to consent on the approval of department directors. Mr. Zisman explained the Commission had discussed the matter earlier in the meeting and chose to revisit that provision in the future. Attorney Lehtinen noted that the mention of the Village Clerk is absent in this section; however, the language was written prior to the Clerk being a Council-directed position and there is no need to change the language.

With regard to Subsection (2), Chairman Zisman asked how the Charter is enforced. Attorney Lehtinen explained that Miami-Dade County has a Commission on Ethics and Public Trust, which is empowered by Home Rule to investigate any violations. Vice Mayor DuBois asked if that Commission has the power to sanction. Attorney Lehtinen acknowledged that they did due to the Home Rule provision of Miami-Dade County. Mr. Hoffman asked if this Subsection would be the only section so governed. Attorney Lehtinen noted that enforcement of any provision of the Charter would be governed by the Miami-Dade County Commission on Ethics and Public Trust. Mr. Fiore noted that anyone has the ability to file an ethics complaint and the Ethics Commission can also start an investigation based upon when they wish to do so. Attorney Lehtinen concurred.

There were no comments, suggestions, or modifications suggested for Section 4.2(C).

Section 4.3 Ordinances: Following brief comment, the Clerk and the Attorney explained the difference between ordinance and resolutions. Clerk Alexander also explained the difference between the Neighborhood Protection Provision of the Charter and the Ordinances that created the Neighborhood Protection Ordinances or “NPO’s”, as they were commonly called. Mr. Fiore offered historical information, as well.

The Commission decided to begin with Section 4.4 at the next meeting. The following meetings were set:

August 27 – 7 pm

September 17 – 7 pm

6. Adjourn: The meeting adjourned at 8:50 pm.

Respectfully submitted:

Approved by the Charter Revision
Commission this ____ day of August,
2015.

Meighan Alexander, Village Clerk

David Zisman, Chairperson